

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Arthur Hill,
Plaintiff,
v.
Carvana, LLC and
Bridgecrest Credit Company, LLC,
Defendants.

Civil Action No. 1:22-cv-00037

**DEFENDANTS CARVANA, LLC AND BRIDGECREST CREDIT COMPANY,
LLC'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Carvana, LLC (“Carvana”) and Bridgecrest Credit Company, LLC (“Bridgecrest,” and together with Carvana, “Defendants”) pursuant to Rule 56 of the Federal Rules of Civil Procedure and LR 7.3 and 56.1, by and through undersigned counsel, in Cross-Motion for Partial Summary Judgment, moves this Court to enter judgment in their favor against Plaintiff Arthur Hill (“Plaintiff”) on Count 2 of the Second Amended Complaint (“SAC”) for violation of the North Carolina Retail Installment Sales Act (“RISA”). Carvana also moves the Court to enter judgment in its favor against Plaintiff on Count 5 of the SAC for violation of the Truth in Lending Act (“TILA”).

As set forth in more detail in Defendants’ Combined Memorandum in Support of Defendants’ Cross-Motion for Partial Summary Judgment and Response in Opposition to Plaintiff’s Motion for Partial Summary Judgment, which is filed contemporaneously herewith, Defendants’ motion pursuant to Count 2 of the SAC for violation of the RISA should be granted because Plaintiff’s request for a statement of account and demand for

refund and rebate were deficient under RISA and no rebate was due. Additionally, Carvana's motion pursuant to Count 5 of the SAC for violation of the TILA should be granted because the claim is barred by the one-year statute of limitations and the fees at issue are not "finance charges" under TILA.

WHEREFORE, Defendants respectfully request that the Court enter summary judgment in favor of Defendants on Count 2 of the SAC and Carvana respectfully requests that the Court also enter summary judgment in favor of Carvana on Count 5 of the SAC under Rule 56 of the Federal Rules of Civil Procedure, and for such further relief as shall be just and proper.

Dated this 11th day of April, 2022.

Respectfully submitted,

/s/Ashia Crooms-Carpenter

Ashia Crooms-Carpenter

N.C. Bar No. 54342

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*Attorney for Carvana, LLC and
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CERTIFICATE OF SERVICE

I, Ashia Crooms-Carpenter, hereby certify that, on April 11, 2022 a true and correct copy of the foregoing was served upon Arthur Hill using the Court's CM/ECF system:

Arthur Hill
2849 Trestle Court SW
Concord, NC 28025
Pro Se Plaintiff

/s/Ashia Crooms-Carpenter
Attorney for Carvana, LLC and
Bridgecrest Credit Company, LLC